# EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NO.: 2007-1876-AIR-E TCEQ ID: RN102736089 CASE NO.: 34982 RESPONDENT NAME: LUCITE INTERNATIONAL, INC.

| ### SOAH HEARING #### SOAH HEARING ####################################  | ORDER TYPE:  |   |   |
|--|--|---|---|
|  | X 1660 AGREED ORDER  | FINDINGS AGREED ORDER   | <del></del>   |
| CASE TYPE:  X_AIR  MULTI-MEDIA (check all that apply)  INDUSTRIAL HAZARDOUS WASTE  PUBLIC WATER SUPPLY  PETROLEUM STORAGE TANKS  OCCUPATIONAL CERTIFICATION  WATER QUALITY  SEWAGE SLUDGE  UNDERGROUND INJECTION CONTROL  MUNICIPAL SOLID WASTE  RADIOACTIVE WASTE  DRY CLEANER REGISTRATION  SITE WHERE VIOLATION(S) OCCURRED: 6350 North Twin City, Nederland, Jefferson County  TYPE OF OPERATION: industrial organic chemical plant  SMALL BUSINESS:  Yes X_No  OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement actions regarding this facility location (2009-0171-AIR-E).  INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.  COMMENTS RECEIVED: The Texas Register comment period expired May 4, 2009. No comments were received.  CONTACTS AND MAILING LIST:  TCEQ Attorney: Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0223  TCEQ Enforcement Coordinator: Ms. Kimberly Morales, AIR Enforcement Section, MC R-12, (713) 422-8938  TCEQ Regional Contact: Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3500  Respondent: Mr. Robert Wisenbaker, Plant Manager, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627 | FINDINGS DEFAULT ORDER   | _SHUTDOWN ORDER   | I <del></del>   |
|  | AMENDED ORDER  | EMERGENCY ORDER   |   |
| PUBLIC WATER SUPPLYPETROLEUM STORAGE TANKSOCCUPATIONAL CERTIFICATIONWATER QUALITYSEWAGE SLUDGEUNDERGROUND INJECTIONCONTROLMUNICIPAL SOLID WASTERADIOACTIVE WASTEDRY CLEANER REGISTRATION   | CASE TYPE:   |   |   |
|  | <u>X</u> AIR   | MULTI-MEDIA (check all that apply)  | INDUSTRIAL HAZARDOUS WASTE  |
|  | PUBLIC WATER SUPPLY  | PETROLEUM STORAGE TANKS   | OCCUPATIONAL CERTIFICATION  |
| SITE WHERE VIOLATION(S) OCCURRED: 6350 North Twin City, Nederland, Jefferson County  TYPE OF OPERATION: industrial organic chemical plant  SMALL BUSINESS: Yes X No  OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement actions regarding this facility location (2009-0171-AIR-E).  INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.  COMMENTS RECEIVED: The Texas Register comment period expired May 4, 2009. No comments were received.  CONTACTS AND MAILING LIST:  TCEQ Attorney: Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223  TCEQ Enforcement Coordinator: Ms. Kimberly Morales, AIR Enforcement Section, MC R-12, (713) 422-8938  TCEQ Regional Contact: Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3500  Respondent: Mr. Robert Wisenbaker, Plant Manager, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627   | WATER QUALITY  | SEWAGE SLUDGE   | 1 <del></del> .   |
| TYPE OF OPERATION: industrial organic chemical plant  SMALL BUSINESS: Yes X No  OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement actions regarding this facility location (2009-0171-AIR-E).  INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.  COMMENTS RECEIVED: The Texas Register comment period expired May 4, 2009. No comments were received.  CONTACTS AND MAILING LIST:  TCEQ Attorney: Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223  TCEQ Enforcement Coordinator: Ms. Kimberly Morales, AIR Enforcement Section, MC R-12, (713) 422-8938  TCEQ Regional Contact: Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3500  Respondent: Mr. Robert Wisenbaker, Plant Manager, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627  | MUNICIPAL SOLID WASTE  | RADIOACTIVE WASTE   | DRY CLEANER REGISTRATION  |
| Respondent's Attorney: Ms. Jennifer Keane, Baker Botts LLP, 1500 San Jacinto Center, 98 San Jacinto Boulevard Austin, Texas 78701-4078   | TYPE OF OPERATION: industrial organic  SMALL BUSINESS: Yes X  OTHER SIGNIFICANT MATTERS: Ther location (2009-0171-AIR-E).  INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Reg  CONTACTS AND MAILING LIST:  TCEQ Attorney: Ms. Lena Rober SEP Coordinator: Ms. Sharon Blace Contact: Ms. Lince Respondent: Mr. Robert Wisenbak Texas 77627 Respondent's Attorney: Ms. Jenni | c chemical plant  No  e are no complaints. There is one additional pen an the ED and the Respondent expressed an inte ister comment period expired May 4, 2009. No ts, Litigation Division, MC 175, (512) 239-001 ue, Litigation Division, MC 175, (512) 239-222 Ms. Kimberly Morales, AIR Enforcement Sect a Vasse, Houston Regional Office, MC R-12, ( ser, Plant Manager, Lucite International, Inc., 63 | erest in this matter.  o comments were received.  9 23 tion, MC R-12, (713) 422-8938 (713) 767-3500 350 North Twin City Highway, Nederland, |

# RESPONDENT NAME: LUCITE INTERNATIONAL, INC. **DOCKET NO.: 2007-1876-AIR-E**

#### VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS Total Assessed: \$50,250 Type of Investigation: Complaint Total Deferred: \$25,125 X Routine Expedited Order Enforcement Follow-up Financial Inability to Pay Records Review X SEP Conditional Offset Date of Complaint Relating to this Case: Total Paid to General Revenue: \$25,125 None The Respondent paid \$25,125 of the administrative penalty. The remaining amount Dates of Investigation Relating to this Case: May 15 - 29, 2007; September 10, 2007; and of \$25,125 of the administrative penalty shall October 8, 2007 be conditionally offset by the completion of a Supplemental Environmental Project (SEP). Dates of NOEs Relating to this Case: July 6, 2007; November 8, 2007; and November 28, 2007 Site Compliance History Classification High X Average Poor **Background Facts:** Person Compliance History Classification The case was referred to the Litigation Division February 20, 2008. Settlement was achieved High X Average Poor December 19, 2008. Major Source: X Yes No **Current Compliance Status:** Applicable Penalty Policy: September 2002 No outstanding Technical Requirements. AIR: 1. Failed to maintain the required water flow to scrubbers [30 Tex. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.120(d)(5), Federal Operating Permit ("FOP") No. O-01960, General Terms and Conditions ("GTC"), and Special Conditions ("SC") 1A, 1E, 4, and 19, New Source Review ("NSR") Air Permit

No. 1743, SC 2 and 10 and Tex. HEALTH & SAFETY

2. Failed to maintain the daily average temperature

of incinerator ACR/INC60 above the established

minimum limit [30 Tex. ADMIN. CODE §§ 113.120,

§ 63.120(d)(5), FOP No. O-01960 GTC, SC 1A, 1E,

and 19, NSR Air Permit No. 1743, SC 2 and 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to maintain the daily average temperature of vapor combustor ACR/VC51 above the established minimum limit [30 Tex. ADMIN. CODE §§ 113.120, 116.115(c), and 122.143(4), 40 CFR § 63.120(d)(5), FOP No. O-01960, GTC, SC 1A, IE, and 19, NSR Air Permit No. 1743, SC 2, and 12, and Tex. Health & Safety Code § 382.085(b)].

122.143(4),

40

and

CODE § 382.085(b)].

116.115(c),

# CORRECTIVE ACTIONS TAKEN/REQUIRED

#### Corrective Actions Taken:

The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:

- 1. By September 28, 2007:
  - a. Established set points and alarms on incinerator ACR/NC60 and vapor combustor ACR/VC51 in order to ensure proper temperature control. Also, provided training and posted instructional signs for personnel overseeing the two units:
  - Installed automated control valves to better control water distribution to the scrubbers and implemented a computer based reminder notification system when low water flow excursions occur. Training was also provided to plant operations and maintenance personnel; and
  - c. Completed the cleaning and screening of the catalyst at the Spent Acid Recovery ("SAR") unit converter to allow the Oxygen ("O2") to Sulfur Dioxide ("SO2") ratio mix to maintain the high pressure drop.
- On August 2, 2007, provided documentation that changes were made to the water softener system including the cycling time, began monitoring the system on an increased frequency, the air pre-heater vibration dampeners were repaired, silica deposits were cleaned from the boiler and the Thermal Oxidizer Unit ("TOU") water treatment program is being monitored to ensure no further occurrence of the deposits.

### Ordering Provision(s):

The Respondent shall implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).

# RESPONDENT NAME: LUCITE INTERNATIONAL, INC. DOCKET NO.: 2007-1876-AIR-E

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS |
|---|------------------------|--------------------|
| A. Failed to maintain emission rates below the allowable emission limits for Sulfur Dioxide ("SO2"). Specifically, on July 3, 2006, for a period of four hours, the Spent Acid Recovery ("SAR") Unit Converter emitted unauthorized emissions of approximately 105.56 pounds ("lbs") of S02 to the atmosphere [30 Tex. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-01437, GTC, SC 12, NSR Air Permit No. 19005/PSD-TX-753, SC 1 and Tex. HEALTH & SAFETY CODE § 382.085(b)].  |                        | TAKEN/REQUIRED     |
| i. Failed to prevent unauthorized emissions. Specifically, 387.82 lbs of Acetonitrile and 74.27 lbs of Acrylonitrile, 36.59 lbs of SO2, 428.07 lbs of volatile organic compounds ("VOCs"), 5,049 lbs of Carbon Monoxide ("CO"), 1,112.24 lbs of Hydrogen Cyenide ("HCN"), and 27,184.11 lbs of Nitrogen Oxide ("NOx") were released from the vapor combustor (EPN: ACR-VC51) during 554.50 hours of unplanned maintenance activities on the Thermal Oxidizer Unit ("TOU"), which began on July 24, 2006. Since these emissions were avoidable, the demonstrations in Tex. ADMIN. CODE |                        |                    |
| § 101.222 necessary to present an affirmative defense were not met [30 Tex. Admin. Code § 116.115(c), Air Permit No. 1743, SC 1, and Tex. Health & Safety Code § 382.085(b)].   |                        |                    |
|   |                        |                    |
|   |                        |                    |
|   |                        | ·                  |
|   |                        |                    |

# Attachment A Docket Number: 2007-1876-AIR-E

# SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

Lucite International, Inc.

Penalty Amount:

Fifty thousand two hundred fifty dollars (\$50,250)

SEP Offset Amount:

Twenty-five thousand one hundred twenty-five dollars (\$25,125)

Type of SEP:

Pre-approved

Third-Party Recipient:

Jefferson County – Retrofit/Replace Heavy Equipment and Vehicles with Alternative-Fueled Equipment and Vehicles

Location of SEP:

**Jefferson County** 

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

# 1. Project Description

#### A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to Jefferson County's Retrofit/Replace Heavy Equipment and Vehicles with Alternative-Fueled Equipment and Vehicles program in Jefferson County as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for the incremental cost of purchase of alternative-fueled equipment such as propane or electric powered lawn mowers, propane-powered light duty and heavy equipment, and alternative fueled vehicles, and retirement of diesel and gasoline powered equipment and vehicles. The retired vehicles and equipment will not be resold as working vehicles, but will only be sold for scrap. The County will also use SEP monies to convert current equipment and vehicles to alternative fueled equipment and vehicles and to retrofit current gasoline and diesel powered equipment in order to lower emissions. All retrofits will meet EPA standards. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

# B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasolineand diesel-powered lawnmowers, heavy equipment, and other vehicles in the Beaumont/Port Arthur ozone non-attainment area. Such emissions contribute to ozone pollution in this state.

# C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

### 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the final Agreed Order with the contribution to:

Jefferson County Government Attention: The Honorable Ron Walker, Jefferson County Judge Retrofit Vehicles SEP 1149 Pearl Street 4th Floor Beaumont, Texas 77701

# 3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

# 4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087 Lucite International, Inc.

Docket No. 2007-1876-AIR-E – Attachment A

# 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

# 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

# 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

| Policy Revision 2 (Sep   | Penalty Calculation  | n Worksheet (Po  | CW)  PCW Revision Nove   | ember 6, 2007              |
|--|--|--|--|----------------------------|
| TCEQ   |  |  |  |                            |
| DATES Assigned PCW   |  | <b>EPA Due</b> 30-Aug-2008   |  |                            |
| DECROUDENT/EACH ITS  | INFORMATION  |  |  |                            |
| RESPONDENT/FACILITY  | Lucite International, Inc.   |  | The state of the s | i i fisionali et to B<br>1 |
| Reg. Ent. Ref. No.   | RN102736089  |  |  | 1                          |
| Facility/Site Region   |  | Major/Minor Source   | Major  | <u> </u>                   |
| CASE INFORMATION   |  |  |  | 10 11 6.2.1                |
| Enf./Case ID No.   | 34982  | No. of Violations  | 5  | ]                          |
| Docket No.   | 2007-1876-AIR-E  | Order Type   | 1660   |                            |
| Media Program(s)   | Air  | Enf. Coordinator   |  |                            |
| Multi-Media<br>Admin. Penalty \$   |  | EC's Team  | Enforcement Team 5   | J                          |
| Aumin. Fenally \$  | LITTIC HILLIAMANIA   | Ψ10,000  | hudundhunah namadan undunun na 176 unta-ahuti Astri Lunah  | 6) 4010\-0.00mm            |
|  | Penalty Calcula  | tion Section   |  |                            |
| TOTAL BASE PENAL   | _TY (Sum of violation base penaltie  | s)   | Subtotal 1   | \$37,500                   |
| ADJUSTMENTS (+/-)  | TO SUBTOTAL 1  |  |  |                            |
| Subtotals 2-7 are obtai  | ned by multiplying the Total Base Penalty (Subtotal 1) by  |  | otals 2, 3, & 7  | \$22,125                   |
| Compliance rist  |  |  | riais 2, 5, 6 /. [   | Ψ <b>ΖΖ, 1Ζ</b> Ο          |
|  | The penalty was enhanced by two (2) 1660   |  |  | -                          |
| Notes  | the same or similar violations, and two (2) N  |  |  |                            |
|  | in the past five years at the  | nis plant.   |  |                            |
|  | No.  | <ul> <li></li></ul>  |  | \$0                        |
| Culpability  | No   1-4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1   | Enhancement  | Subtotal 4   | φυ                         |
| Notes  | The Respondent does not meet the   | culpability criteria.  |  |                            |
|  | Land Company of the C | rong syrayayaya arena yarena yarena  | Subtotal 5   | \$9,375                    |
| Good Faith Effor   | Before NOV NOV to EDPRP/Settlement Offer   | Reduction  | <u> </u>   | ψ5,375                     |
| Extraordinary  |  |  | , ,  |                            |
| Ordinary   |  |  |  |                            |
| N/A  | (mark with x)  |  |  |                            |
| Participation of the second of | All corrective actions were completed as   | of September 28, 2007  |  |                            |
| Notes  | All corrective actions were completed as   | of deptember 20, 2007.   | •  |                            |
|  |  | Enhancement*   | Subtotal 6   | \$0                        |
| Epotherati kamana ne Afrika da Leaguanda Lea.  | Total EB Amounts \$2,238 *Capped   | at the Total EB \$ Amount  |  |                            |
| Approx.  | Cost of Compliance \$25,900  | ,  |  |                            |
| SUM OF SUBTOTAL  | S 1-7  |  | inal Subtotal  | \$50,250                   |
|  |  | The state of the s |  |                            |
|  | S JUSTICE MAY REQUIRE  | 0%   | Adjustment   | \$0                        |
| Reduces or enhances the Final S  | Subtotal by the indicated percentage.  |  |  |                            |
| Notes  |  |  |  |                            |
|  |  |  |  |                            |
|  |  | Final Pen  | alty Amount  | \$50,250                   |
| OTATUTODY IMIT A   | D HISTMENT   |  |  | \$50.250                   |
| STATUTORY LIMIT A  | ADJUSTMENT   | Final Asses  | ssed Penalty   | \$50,250                   |
| DEFERRAL   |  | 0% Reduction   | Adjustment   | \$0                        |
| Reduces the Final Assessed Per   | nalty by the indicted percentage. <i>(Enter number only</i> ; e.g.   |  |  |                            |
|  | Deferred not effected for the con-   | dited antilomort   |  |                            |
| Notes  | Deferral not offered for non-exper   | uiteu settiement.  |  | j                          |
|  |  |  |  |                            |
| PAYABLE PENALTY  |  |  |  | \$50,250                   |

Screening Date 4-Dec-2007

Docket No. 2007-1876-AIR-E

PCW

Respondent Lucite International, Inc.

Case ID No. 34982

Policy Revision 2 (September 2002) PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Kimberly Morales

# Compliance History Worksheet

|      | Component                      |  | nter Number Here  | Adjust.      | 1 .   |
|------|--------------------------------|--|-------------------|--------------|-------|
|      | NOVs                           | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  | 3                 | 15%          |       |
|      |                                | Other written NOVs   | 2                 | 4%           | ]     |
|      |                                | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 2                 | 40%          |       |
|      | Orders                         | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission   | . 0               | 0%           |       |
|      | Judgments                      | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)   | 0                 | 0%           |       |
|      | and Consent<br>Decrees         | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%           |       |
|      | Convictions                    | Any criminal convictions of this state or the federal government (number of counts)  | 0                 | 0%           |       |
|      | Emissions                      | Chronic excessive emissions events (number of events)  | 0                 | 0%           |       |
|      | Audits                         | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)  | 0                 | 0%           |       |
|      | ·                              | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 0                 | 0%           |       |
|      |                                | Please   | e Enter Yes or No |              |       |
|      |                                | Environmental management systems in place for one year or more   | No                | 0%           |       |
|      | Other                          | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%           |       |
|      | Other                          | Participation in a voluntary pollution reduction program   | No                | 0%           |       |
|      |                                | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%           |       |
|      |                                | Adjustment Pe  | rcentage (Su      | ıbtotal 2)   | ŧ     |
| epea | at Violator (Su                | btotal 3) Figure 1985 Figure 1 |                   |              | 1 - 1 |
|      | No                             | Adjustment Pe  | rcentage (Sι      | ıbtotal 3)   |       |
| omp  | liance History                 | Person Classification (Subtotal 7)   |                   |              | Si.   |
|      | Average P                      | erformer Adjustment Pe   | rcentage (Su      | ıbtotal 7) [ |       |
| omp  | liance History                 | / Summary 主要基础性(Seed. )。企業上,當在學術之前,已是他的工作。然后,不是的人學是是一種們  |                   |              | Y-AT  |
|      | Compliance<br>History<br>Notes | The penalty was enhanced by two (2) 1660 orders, three (3) NOVs for the same or similar vi two (2) NOVs for dissimilar violations in the past five years at this plant.  | olations, and     |              |       |

| Scree              | ning Date                  | 4-Dec-2007  |   | L  | ocket No.  | 2007-187   | 6-AIK-E  |   | M.   | PUV  |
|--------------------|----------------------------|---|---|--|--|--|--|---|--|--|
| Re                 | spondent                   | Lucite Internati  | ional, Inc.   |  |  |  |  | Policy Re   | evision 2 (Septer  | nber 2002)   |
| Ca                 | ase ID No.                 | 34982   |   |  |  |  |  | PCW F   | Revision Novemb  | er 6, 2007   |
| Reg. Ent. Refe     | rence No.                  | RN102736089   |   |  |  |  |  |   |  |  |
| Media              | [Statute]                  | Air   |   |  |  |  |  |   |  | 2  |
|                    |                            | Kimberly Mora   | les   |  |  |  |  |   |  | e contra   |
| Violat             | ion Number                 | 1   | ***********   |  |  |  |  |   |  | W  |
|                    | Rule Cite(s)               | Federal Regu<br>01960, Gener  | lations ("CFI<br>al Terms an<br>ew Source F   | 113.120, 115.<br>R") § 63.120(d<br>d Conditions ('<br>Review ("NSR")<br>Health & Safet | )(5), Federal<br>"GTC"), and (<br>) Air Permit N   | Operating<br>Special Co<br>Io. 1743, S   | Permit ("FOF nditions ("SC   | ") No. O-<br>") 1A, 1E,   |  |  |
| Violation          | Description                | ACR/ABS159<br>fell below the<br>January 16, 20<br>2006, for 55<br>ACR/ABS61 for<br>2006 for 45 l<br>2006 throu<br>required 130<br>and on No | and ACR/A<br>e required op<br>006 through<br>hrs and Oct-<br>ell below the<br>hrs, May 5, 2<br>ugh March 29<br>2 lbs/hr from<br>wember 11,<br>0 lbs/hr from | ober 14, 2006  | fically, the waneter of 9026 06 for 30 hrs, through Marv 0 lbs/hr from 00 bs/hr s, scrubbe 2005 throug 1, and scrubbe 1, and s | ter flow to pounds pe April 19, 2 ch 29, 200 January 19 106 for 358 er ACR/AB h December ACR/AB August 19, | scubber ACF<br>er hour ("lbs/t<br>006 through of<br>7 for 23 hrs; s<br>0, 2006 through<br>hrs, and Oct<br>IS159 fell belier 12, 2005 fo<br>S218 fell belier 2006 for 122 | R/ABS156<br>nr") from<br>October 8,<br>scrubber<br>gh April 2,<br>ober 13,<br>ow the<br>or 86 hrs<br>ow the |  |  |
|                    |                            |   |   |  |  |  | Bas  | e Penalty   |  | \$10,000   |
|                    | Barra La                   | المصريات في   | Joolth Ma   | heiv.  |  |  |  |   |  | Acceptation  |
| >> Environmental,  | Ргорепу а                  | na muman r  | nearu ⊓wa<br>Harm   | LILA   |  |  |  |   |  | ***  |
|                    | Release                    | Major   | Moderate  | Minor  |  |  | *  |   |  | and the spirit   |
| OR                 | Actual                     |   |   |  | 1  |  | •  | •   |  | A. L. C.   |
|                    | Potential                  |   | X   |  | j  | Percent  | 25%  |   |  |  |
|                    |                            |   | CONTRACTOR CONTRACTOR CONTRACTOR  | **************************************   |  |  |  |   |  |  |
| >>Programmatic M   | atrix                      |   |   |  |  |  |  |   |  | ,  |
| <b>-</b>           | Falsification              | Major   | Moderate  | Minor  | <b>a</b>   |  |  |   |  |  |
| L                  |                            |   |   |  |  | Percent  | 0%   |   |  | and the  |
| Matrix<br>Notes    | Human heal<br>exceeding le | th or the enviro  | nment could<br>of human he  | have been exealth or enviror   | nmental rece   | nificant am<br>ptors as a  | result of the v  | utants not violations.  |  |  |
|                    | 14004 LZUI (V2. 34.)       | erenalis erki sira bundari.   |   |  | EDDECTREE LEGICALIS.   |  | a  |   |  | \$2,500  |
| Violation Events   | e description              | Zinga sangan sangan   |   |  |  |  |  | L<br>Lia e de sono  | <del> </del>   | Ψ2,000   |
|                    | lumber of Vio              | lation Events   | 6   |  | 63   | Number o   | f violation da   | ys  |  | 201.00.40  |
|                    | mark only one<br>with an x | daily monthly quarterly semiannual annual single event  | X   |  |  | V  | /iolation Bas  | e Penalty[  |  | \$15,000   |
|                    |                            |   | Six annu  | al events are r  | recommende   | d.   |  |   |  | destrone on the destrone of th |
| Economic Benefit ( | (EB) for th                | is violation  |   | ALEED SA   |  | Statuto  | ry Limit Te  | st  |  |  |
|                    | Estimater                  | I EB Amount   |   | \$943  | sī   | Violati  | on Final Pen   | alty Total  |  | \$20,100   |
|                    | Louinatet                  | /   |   | <del></del>  |  |  |  |   |  |  |
|                    |                            |   | <b>T</b>  | his violation  | Final Assess   | sed Penal  | ty (adjusted   | for limits)   | National Contract of the Contr | \$20,100   |

|                               | Ε                     | conomic              | Benefit W          | orks     | sheet               |  |               |
|-------------------------------|-----------------------|----------------------|--------------------|----------|---------------------|--|---------------|
| Respondent                    | Lucite Internation    | onal, Inc.           |                    |          | ,                   |  |               |
| Case ID No.                   | 34982                 |                      |                    |          | •                   |  |               |
| Reg. Ent. Reference No.       | RN102736089           |                      |                    |          |                     |  |               |
| Media                         |                       |                      |                    |          |                     |  | Years of      |
| Violation No.                 |                       |                      |                    |          |                     | Percent Interest   | Depreciation  |
| VIOLETIC TO                   | i.<br>Linguaga ji kar | TALEBOOK SE          | a mininga.         | 5, 5.    | erabilit in in his  | - 0  |               |
| 기에 본었다. 현리에는 보다               |                       |                      |                    |          |                     | 5.0  | 15            |
| 하다 바로 문화 하나의 그 하는 것           | Item Cost             | Date Required        | Final Date         | Yrs      | Interest Saved      | Onetime Costs  | EB Amount     |
| Item Description              | No commas or \$       |                      | 14                 |          |                     |  |               |
|                               |                       |                      |                    |          |                     |  |               |
| Delayed Costs                 |                       |                      |                    |          |                     |  |               |
| Equipment                     |                       |                      |                    | 0.0      | \$0                 | \$0  | \$0           |
| Buildings                     |                       |                      |                    | 0.0      | \$0                 | \$0  | \$0           |
| . Other (as needed)           | \$6,000               | 5-Dec-2005           | 28-Sep-2007        | 1.8      | \$36                | \$725  | \$762         |
| Engineering/construction      |                       |                      |                    | 0.0      | \$0                 | \$0  | \$0           |
| Land                          |                       |                      |                    | 0.0      | \$0                 | sn/a   | \$0           |
| Record Keeping System         |                       |                      |                    | 0.0      | \$0                 | n/a  | \$0           |
| Training/Sampling             | \$2,000               | 5-Dec-2005           | 28-Sep-2007        | 1.8      | \$181               | n/a  | \$181         |
| Remediation/Disposal          |                       |                      |                    | 0.0      | \$0                 | n/a  | \$0           |
| Permit Costs                  |                       |                      |                    | 0.0      | \$0                 | n/a  | \$0           |
| Other (as needed)             |                       |                      |                    | 0.0      | \$0                 | n/a  | \$0           |
| Notes for DELAYED costs       | and the final o       | late is the date the | Respondent report  | ed it ha | ad installed automa | puired is the date of to<br>ated control valves to<br>enance personnel tra | control water |
| Avoided Costs                 | ANN                   | UALIZE [1] avoid     | ed costs before en | tering   | item (except for    | one-time avoided c   | osts)         |
| Disposal                      |                       |                      |                    | 0.0      | \$0                 | \$0  | \$0           |
| Personne!                     |                       |                      |                    | 0.0      | \$0                 | \$0  | \$0           |
| Inspection/Reporting/Sampling |                       |                      |                    | 0.0      | \$0                 | \$0  | \$0           |
| Supplies/equipment            |                       |                      |                    | 0.0      | \$0                 | \$0  | \$0           |
| Financial Assurance [2]       |                       |                      |                    | 0.0      | \$0                 | \$0  | \$0           |
| ONE-TIME avoided costs [3]    |                       |                      |                    | 0.0      | - \$0               | \$0  | \$0           |
| Other (as needed)             |                       |                      |                    | 0.0      | l \$0               | \$0  | \$0           |
| Notes for AVOIDED costs       |                       |                      |                    |          |                     |  |               |
| Approx. Cost of Compliance    |                       | \$8,000              |                    |          | TOTAL               |  | \$943         |

| Scre                 | eening Date 4-D     | Dec-2007  |   | Docket No. 2007-187  | 6-AIR-E   | PCW  |
|----------------------|---------------------|---|---|--|---|--|
|                      | •                   | cite International, Inc.                          |   |  | Policy R  | evision 2 (September 2002)   |
|                      | Case ID No. 349     |   |   |  | PCW   | Revision November 6, 2007  |
| _                    | ference No. RN      |   |   |  |   |  |
|                      | lia [Statute] Air   |   |   |  |   |  |
|                      | Coordinator Kin     | nberly Morales                                    |   |  |   |  |
| , vioi               | Rule Cite(s)        |   |   |  | <del>/</del>                                    |  |
|                      | ` 1  30             | Tex. Admin. Code §§<br>. O-01960, GTC, SC 1/      | A, 1E, and 19,  | 115(c), 122.143(4), 40 CF<br>NSR Air Permit No. 1743<br>ety Code § 382.085(b)  | R § 63.120(d)(5), FOP<br>, SC 2 and 12 and Tex. |  |
| Violatio             | n Description       | stablished minimum lim<br>below the required oper | it. Specifically<br>ating paramete<br>06, July 6, 200 | mperature of incinerator A, the incinerator's daily aver of 965 degrees Celsius 06 through July 8, 2006 an April 10, 2007.   | erage temperature fell<br>on January 19, 2006   |  |
|                      |                     |   |   |  | Base Penalty                                    | \$10,000   |
| >> Environmenta      | Property and        | Human Health Ma                                   | trix  |  |   |  |
| Liivii Oi iii Ciitta |                     | Harm  |   | Maria ar Santan da Selanggan da Selanggan da Santan Santan Santan Santan Santan Santan Santan Santan Santan Sa<br>Santan Santan Santa | NGAZANG BARSINA                                 |  |
|                      | Release             | Major Moderate                                    | Minor   | <b>-</b>   |   |  |
| OR                   | Actual Potential    | X   |   | Percent  | 25%   | The state of the s |
|                      | Foterman            |   | _ <del> </del>  | _ reroem   | 2070  | • .  |
| >>Programmatic       | Matrix              |   |   |  |   |  |
|                      | Falsification       | Major Moderate                                    | Minor   | ╗ .  |   | ·  |
|                      |                     | 1   | <u> </u>  | Percent  | 0%  |  |
| Matrix<br>Notes      |                     |   |   | exposed to significant amo<br>onmental receptors as a r  | esult of the violations.                        |  |
|                      |                     |   |   | Adjustment   | \$7,500   |  |
|                      |                     |   |   |  |   | \$2,500  |
|                      |                     |   |   | POTANTAS GARAGO DE CONTRATA TREST  |   |  |
| Violation Events     |                     |   |   |  |   |  |
|                      | Number of Violation | on Events 4                                       |   | 194 Number o   | f violation days                                |  |
|                      |                     | daily   |   |  |   |  |
|                      | - A                 | monthly   |   |  | rialatian Basa Banaltul                         | \$10,000   |
|                      | T 17 (4)            | uarterly x<br>miannual                            | ╣.  | V  | iolation Base Penalty                           | \$10,000   |
|                      | . 10                | annual  |   |  |   |  |
|                      | sir                 | igle event  | ] .   |  |   |  |
|                      |                     |   |   |  | · · · · · · · · · · · · · · · · · · ·           |  |
|                      |                     | Four qua  | rterly events a                                       | re recommended.  |   |  |
| Economic Benefi      | t (EB) for this \   | iolation  |   | Statutor   | y Limit Test                                    |  |
|                      | Estimated El        | 3 Amount  | \$583   | 3 Violati  | on Final Penalty Total                          | \$13,400   |
|                      |                     |   | This violatio   | n Final Assessed Penalt  | v (adjusted for limite)                         | \$13,400   |
|                      |                     |   | ing violatio  | mai Assesseu i ellali  | , (aujustou foi illillis)                       | Ψ10,-100   |

| Respondent<br>Case ID No.<br>Reg. Ent. Reference No.<br>Media<br>Violation No. | 34982<br>RN102736089 | onal, Inc.                |                      |         |                         |                     |                |
|--|----------------------|---------------------------|----------------------|---------|-------------------------|---------------------|----------------|
| Reg. Ent. Reference No.<br>Media   | RN102736089          |                           | •                    |         |                         |                     |                |
| Reg. Ent. Reference No.<br>Media   | RN102736089          |                           |                      |         |                         |                     |                |
| Media  |                      |                           |                      |         |                         |                     |                |
|  |                      |                           |                      |         |                         |                     | Years of       |
| Violation No.  |                      |                           |                      |         |                         | Percent Interest    | Depreciation   |
|  | .2                   | tarket etymologick filibe |                      |         | Light and Green Control |                     |                |
|  |                      |                           |                      |         |                         | 5.0                 | 1              |
|  | Item Cost            | Date Required             | Final Date           | Yrs     | Interest Saved          | Onetime Costs       | EB Amount      |
| Item Description   | No commas or \$      |                           |                      |         |                         |                     |                |
| Delayed Costs  |                      | garana.                   | egen bet glass       | a y     |                         |                     | B. Marinia e e |
| Equipment  |                      |                           |                      | 0.0     | \$0                     | \$0                 | \$0            |
| Buildings  |                      |                           |                      | 0.0     | \$0                     | \$0                 | \$0            |
| Other (as needed)  | \$3,500              | 19-Jan-2006               | 28-Sep-2007          | 1.7     | \$20                    | \$394               | \$414          |
| Engineering/construction   | 00,000               | 10 0011 200               |                      | 0.0     | \$0                     | \$0                 | \$0            |
| Land   |                      |                           | ,                    | 0.0     | \$0                     | n/a                 | \$0            |
| Record Keeping System  |                      |                           |                      | 0.0     | \$0                     | a n/a               | \$0            |
| Training/Sampling  | \$2,000              | 19-Jan-2006               | 28-Sep-2007          | 1.7     | \$169                   | n/a                 | \$169          |
| Remediation/Disposal   |                      |                           |                      | 0.0     | \$0                     | m/a                 | \$0            |
| Permit Costs   |                      |                           |                      | 0.0     | \$0                     | n/a                 | \$0            |
| Other (as needed)  |                      |                           |                      | 0.0     | \$0                     | n/a                 | \$0            |
| Notes for DELAYED costs  Avoided Costs   |                      | incinerator               | r and site operation | ntering | naintenance persor      | one-time avoided co | osts)          |
| Disposal   |                      |                           | <u> </u>             | 0.0     | \$0                     | \$0<br>\$0          | \$0            |
| Personnel  |                      |                           |                      | 0.0     | \$0<br>\$0              | \$0                 | \$0<br>\$0     |
| Inspection/Reporting/Sampling  |                      |                           |                      | 0.0     | \$0                     | \$0                 | \$0<br>\$0     |
| Supplies/equipment   |                      |                           |                      | 0.0     | \$0                     | \$0                 | \$0<br>\$0     |
| Financial Assurance [2]  |                      |                           |                      | 0.0     | \$0                     | \$0                 | \$0            |
| ONE-TIME avoided costs [3]   |                      |                           |                      | 0.0     | \$0                     | \$0                 | \$0            |
| Other (as needed)  |                      |                           | <u> </u>             |         | 1 40                    |                     |                |
| Notes for AVOIDED costs  |                      |                           |                      |         |                         |                     |                |
|  | 1                    |                           |                      |         |                         |                     |                |

| Scr  | eening Date                                   | 4-Dec-2007                         |   | Doc  | <b>ket No.</b> 2007-1870   | 6-AIR-E                                       |                         | PCW                                     |
|--|---|------------------------------------|---|--|--|---|-------------------------|---|
| Ĭ  | Respondent                                    | Lucite Intern                      | ational, Inc.   |  |  |   | Policy Revision 2       | (September 2002)                        |
|  | Case ID No.                                   | 34982                              |   |  |  |   | PCW Revision            | November 6, 2007                        |
| Reg. Ent. Re   |   |                                    | 39  |  |  |   |                         |   |
|  | dia [Statute]                                 |                                    |   |  |  |   |                         |   |
|  | Coordinator                                   |                                    | rales   |  |  |   |                         |   |
| Vio  | lation Number                                 |                                    | <u></u>   |  | <del></del>  |   |                         |   |
|  | Rule Cite(s)                                  |                                    | ) GTC, SC 1A,   |  | , 122.143(4), 40 CF<br>Air Permit No. 1743,<br>de § 382.085(b)   |   |                         |   |
| Violatio   | on Description                                | the esta                           | olished minimu<br>from April 20,  | ım limit. Specificall  | ture of vapor combusy, the vapor combusust 19, 2006, was best for 1462 hours.  | stor's daily averag                           | ge                      | ,                                       |
|  | '   |                                    |   |  |  | Base Pe                                       | enalty                  | \$10,000                                |
| >> Environmenta  | I. Property a                                 | ind Human                          | Health Mat  | rix  |  |   |                         |   |
|  | aktalote alabora                              |                                    | Harm  |  | estilli netili. Jan. 11. a 2007 billiotas kontilli an la Maskie  | People Seek Stat Miller Collection Land Activ |                         |   |
| 0.5  | Release                                       | Major                              | Moderate  | Minor  | ·  |   |                         |   |
| OR   | Actual<br>Potential                           |                                    |   |  | Percent  | 25%   |                         |   |
|  | Potential                                     | L                                  | X   | الــــــــــــــــــــــــــــــــــــ   | reroent  | 2070  |                         |   |
| >>Programmatic   | Matrix  |                                    |   |  |  |   |                         |   |
|  | Falsification                                 | Major                              | Moderate  | Minor  | entrational contraction of the c |   |                         |   |
|  |   |                                    |   |  | Percent  | 0%  |                         |   |
|  |   |                                    |   |  |  |   |                         |   |
| Matrix<br>Notes  | Human hea<br>exceeding le                     | ilth or the envevels protectiv     | ironment could<br>re of human he  | have been expose<br>ealth or environmer  | ed to significant amo<br>ntal receptors as a re  | ounts of pollutants<br>esult of the violati   | s not<br>ions.          |   |
|  |   |                                    | Acrie OPATADA E   |  | Adjustment   | \$  | 7,500                   | ,                                       |
| greens of estimate the second of the second  | angala da | AND AND THE COURT OF A STORE AND A |   | A Committee of the Comm | Constitution (State of State o | ~   |                         | ·                                       |
|  |   |                                    |   |  |  |   | <u> </u>                | \$2,500                                 |
| Violation Events   |   |                                    |   |  |  |   |                         |   |
|  | Number of Vic                                 | vation Events                      | 2   |  | 61 Number of   | f violation days                              |                         |   |
| t.   | radiliber of vic                              | Addon Evento                       | <u></u>   | <u> </u>   |  | . violation dayo                              |                         | 10 mg                                   |
|  |   | daily                              |   |  | •  |   |                         |   |
|  |   | monthly                            |   |  |  |   |                         |   |
|  | mark only one                                 | quarterly                          | X   |  | V  | iolation Base Pe                              | enalty                  | \$5,000                                 |
|  | with an x                                     | semiannual<br>annual               |   |  |  |   | •                       | •                                       |
|  |   | single event                       |   |  |  |   |                         |   |
|  | l   |                                    | السيبيين  |  |  |   |                         |   |
|  |   |                                    | Two quarte  | erly events are rec  | ommended.  |   |                         |   |
|  |   |                                    |   |  | 1000000  |   |                         |   |
| Economic Benefi  | it (EB) for th                                | is violation                       |   |  | Statutor   | y Limit Test                                  |                         |   |
|  | Estimated                                     | i EB Amount                        |   | \$396  | Violatio   | on Final Penalty                              | Total                   | \$6,700                                 |
|  |   |                                    |   |  |  | •   |                         |   |
|  |   |                                    | •<br>Compression of the same of | This violation Fina  | l Assessed Penalt  | y (adjusted for l                             | imits)                  | \$6,700                                 |
| The control of the co | eero da sid taken kindek-hiistorin            |                                    | ALC: I FOR SERVICE SERVICES   | Liza wording out its form a complete control (i.e.)  | and the second of the second o | and an interesting the expedition of their    | 人名英格兰姓氏 含碳酸盐 香蕉海 康然氏 漢斯 | al estado ao labareta Mille II de 1960. |

|   | E                    | conomic         | Benefit W        | orks              | sheet   |   |                       |
|---|----------------------|-----------------|------------------|-------------------|---|---|-----------------------|
| Responden   | t Lucite Internation | 5.4             |                  |                   | 11 1 2 1 1 t at   |   | Table 1 To 25 autilia |
| Case ID No  |                      | ,               |                  |                   |   |   |                       |
| Reg. Ent. Reference No  |                      |                 |                  |                   | •   | ,   |                       |
| Medi:   |                      |                 |                  |                   |   |   | Years of              |
| Violation No  |                      |                 |                  |                   |   | Percent Interest  | Depreciation          |
| Violation No  | . 3                  | a receipt a     |                  |                   | Superior State of the State of | _ 1   |                       |
|   | Andrew Japan         |                 |                  | - 111             |   | 5.0   | 15                    |
| 고속에 없다. 이번 사용 글 속이  | Item Cost            | Date Required   | Final Date       | Yrs               | Interest Saved  | Onetime Costs   | EB Amount             |
| Item Descriptio   | n No commas or \$    |                 |                  |                   |   |   | 9975                  |
| Delayed Cost  |                      | e jarana jara   | en jestini.      |                   |   |   | grand triple          |
| Equipment   | <b>'</b>             |                 |                  | 0.0               | \$0   | \$0   | \$0                   |
| Buildings   |                      |                 |                  | 0.0               | \$0   | \$0   | \$0                   |
| Other (as needed)   | \$2.500              | 20-Apr-2006     | 28-Sep-2007      | 1.4               | \$12  | \$240   | \$252                 |
| Engineering/construction  |                      |                 |                  | 0.0               | \$0   | \$0   | \$0                   |
| Land  |                      |                 |                  | 0.0               | \$0   | n/a   | \$0                   |
| Record Keeping System   |                      |                 |                  | 0.0               | \$0   | n/a   | \$0                   |
| Training/Sampling   | \$2,000              | 20-Apr-2006     | 28-Sep-2007      | 1.4               | \$144   | n/a   | \$144                 |
| Remediation/Disposal  |                      |                 |                  | 0.0               | \$0   | n/a   | \$0                   |
| Permit Costs  |                      |                 |                  | 0.0               | \$0   | n/a   | . \$0                 |
| Other (as needed)   |                      |                 |                  | 0.0               | \$0   | n/a   | \$0                   |
| Notes for DELAYED costs  Avoided Costs                                      | com                  | bustor ACR/VC51 | and completed si | ite opera         | ations and mainten  | ature drop alarm se<br>ance personnel train<br>one-time avoided c | ing.                  |
| Disposal  | ,                    |                 |                  | 0.0               | \$0   | \$0   | \$0                   |
| Personnel   |                      |                 |                  | 0.0               | \$0   | \$0   | . \$0                 |
| Inspection/Reporting/Sampling   |                      |                 |                  | 0.0               | \$0   | \$0   |                       |
|   | l-annu               |                 |                  |                   |   |   | \$0                   |
|   |                      |                 |                  | 0.0               | \$0   | \$0   | \$0<br>\$0            |
| Supplies/equipment<br>Financial Assurance [2]                               |                      |                 |                  |                   | \$0<br>\$0  | \$0<br>\$0  |                       |
| Supplies/equipment  |                      |                 |                  | 0.0               |   |   | \$0                   |
| Supplies/equipment<br>Financial Assurance [2]                               |                      |                 |                  | 0.0               | \$0   | \$0   | \$0<br>\$0            |
| Supplies/equipment<br>Financial Assurance [2]<br>ONE-TIME avoided costs [3] |                      |                 |                  | 0.0<br>0.0<br>0.0 | \$0<br>\$0  | \$0<br>\$0  | \$0<br>\$0<br>\$0     |

| Scre   | ening Date 4-Dec-2007  |   | Docket No. 2007-  | -1876-AIR-E  | PCW                         |
|--|--|---|---|--|-----------------------------|
| R  | <b>espondent</b> Lucite Intern   | ational, Inc.   |   | Policy   | Revision 2 (September 2002) |
|  | ase ID No. 34982   |   |   | PCV  | V Revision November 6, 2007 |
| _  | erence No. RN1027360   | 89  |   |  |                             |
|  | ia [Statute] Air   |   | •   |  |                             |
|  | oordinator Kimberly Mo   | rales<br>∃  |   |  |                             |
| Viola  | tion Number 4  | L   |   | •  | <b>¬</b> ·                  |
|  | Rule Cite(s) Tex. Admin. GTC and S   | C 12, NSR Permit No.                                    | 3.115(b)(2)(F) and (c), 12<br>19005/PSD-TX-753, SC 1<br>Code § 382.085(b)           | 2.143(4), FOP No. O-0143<br>1 and Tex. Health & Safety                                   | 7                           |
| Violation  | ("SO2"). Spe   | ecifically, on July 3, 200<br>Converter emitted una     | 6, for a period of four hou   | ion limits for Sulfur Dioxide<br>irs the Spent Acid Recover<br>oproximately 105.56 pound | у                           |
|  |  |   |   | Base Penalt  | y\$10,000                   |
| >> Environmental.  | Property and Human   | Health Matrix   |   |  |                             |
| The substance of the su | Anna Paris Carlos de La Carlo de Albanda de la companion de la | Harm  | kanalisansa kinanan oo                          | addinglishin desiri and didu teringe   |                             |
| 0.0  | Release Major  | Moderate Mind   | or  |  |                             |
| OR   | Actual Potential   | X   | Perce   | ent 25%  |                             |
|  | Potential  |   |   | 2070   |                             |
| >>Programmatic N   | Matrix   |   |   | •  |                             |
| , marambala bana a va bisa.  | Falsification Major  | Moderate . Mino   | Or .  |  |                             |
|  |  |   | Perce   | ent 0%   |                             |
| ſ  |  |   |   |  | ╗                           |
| Matrix<br>Notes  | Human health or environ exceed levels that are   | protective of human he                                  | d to insignificant amounts<br>alth or environmental rece<br>lation.                 | of pollutants which do not<br>eptors as a result of the                                  |                             |
|  |  |   | Adjustr   | ment \$7,50  | 0                           |
| <u>Mingrovenski avskatelski</u> sekil  |  | . Lan edit silan 16. metar kantan kalan 1864 a silan ka | energi kan kan kan kan kan di Salandia kin 1880, satah kili 40 salah 40 salah 1880. | MANAGE   |                             |
|  | ·  |   |   | •  | \$2,500                     |
| Violation Events   |  |   |   |  |                             |
|  | Number of Violation Events   | 1   | 1 Numb  | per of violation days  |                             |
|  | daily  |   |   |  | No. of Parties              |
|  | monthly  |   |   |  |                             |
|  | mark only one quarterly  | X   |   | Violation Base Penalt  | y \$2,500                   |
|  | with an x semiannual   |   |   |  |                             |
|  | annual   |   |   |  |                             |
|  | single even  |   | •   |  |                             |
|  |  | ***   |   |  | 7                           |
|  |  | One quarterly eve                                       | ent is recommended.   |  |                             |
| Economic Benefit   | (EB) for this violation  |   | Statı   | utory Limit Test   |                             |
|  | Estimated EB Amoun   | <u> </u>  | \$38 Vid  | olation Final Penalty Tota   | \$3,350                     |
|  |  |   |   |  | 20.050                      |
|  | re-romantalements comes en co  | This vio  | ation Final Assessed Pe   | enalty (adjusted for limits  | ) \$3,350                   |

|  |                        | conomic               | Benefit W             | /orks    | sheet              |   |                   |
|--|------------------------|-----------------------|-----------------------|----------|--------------------|---|-------------------|
| Respondent   | the action of the con- | 7.7.7                 |                       |          |                    |   | " .h              |
| Case ID No.  |                        | onal, mo.             |                       |          |                    |   |                   |
| The state of the s |                        |                       |                       |          |                    |   |                   |
| Reg. Ent. Reference No.  |                        |                       |                       |          |                    |   | Vanca de d        |
| Media  |                        |                       |                       |          |                    | Percent Interest  | Years of          |
| Violation No.  | 4                      | and the specified     |                       |          |                    |   | Depreciation      |
|  |                        |                       |                       | 3. Tarki |                    | 5.0   | 15                |
|  | Item Cost              | Date Required         | Final Date            | Yrs      | Interest Saved     | Onetime Costs   | EB Amount         |
| Item Description   | No commas or \$        |                       |                       |          |                    | ta nika ilia sa   |                   |
| eren, er   | Sant to gar 14         | . 141. 7 . 23 . 41    | and the second second |          | n minja jawa       | e e e e e e e e e e e e e e e e e e e                               | er vigivi ejek is |
| Delayed Costs  |                        |                       |                       | 7)       |                    |   |                   |
| Equipment  |                        |                       |                       | 0.0      | \$0                | \$0   | \$0               |
| Buildings  |                        |                       |                       | 0.0      | \$0                | \$0   | \$0               |
| Other (as needed)  |                        |                       |                       | 0.0      | \$0                | \$0   | \$0               |
| Engineering/construction   |                        | 1                     |                       | 0.0      | \$0<br>\$0         | \$0   | \$0               |
| Land   |                        |                       |                       | 0.0      | \$0                | n/a<br>n/a  | \$0<br>\$0        |
| Record Keeping System  |                        | ļ                     |                       | 0.0      | \$0                | n/a   | \$0<br>\$0        |
| Training/Sampling  |                        |                       |                       | 0.0      | \$0<br>\$0         | n/a   | \$0               |
| Remediation/Disposal   |                        |                       |                       | 0.0      | \$0                | n/a   | \$0               |
| Permit Costs<br>Other (as needed)  | \$2,500                | 3-Jul-2006            | 23-Oct-2006           | 0.0      | \$38               | n/a n/a   | \$38              |
| Notes for DELAYED costs  |                        | k to maintain the hig | gh pressure drop.     | Date rec |                    | erter to allow the Oxy<br>f exceedance and fi<br>g of the catalyst. |                   |
| Avoided Costs  | ANN                    | IUALIZE [1] avoide    | ed costs before e     | entering | item (except for o | ne-time avoided c   | osts)             |
| Disposal   |                        |                       |                       | 0.0      | \$0                | \$0   | \$0               |
| Personnel  |                        |                       |                       | 0.0      | \$0                | \$0   | \$0               |
| Inspection/Reporting/Sampling  |                        |                       |                       | 0.0      | \$0                | \$0   | \$0               |
| Supplies/equipment   |                        |                       |                       | 0.0      | \$0                | \$0   | \$0               |
| Financial Assurance [2]  |                        |                       |                       | 0:0      | \$0                | \$0   | \$0               |
| ONE-TIME avoided costs [3]   |                        |                       |                       | 0.0      | \$0                | \$0   | \$0               |
| Other (as needed)  |                        |                       |                       | 0.0      | \$0                | \$0   | \$0               |
| Notes for AVOIDED costs  |                        |                       |                       |          |                    |   |                   |
| Approx. Cost of Compliance   |                        | \$2,500               |                       |          | TOTAL              |   | \$38              |

| Sc   | reening Date                                       | 4-Dec-2007   |   | סט  | <b>cket No.</b> 2007-187   | 6-AIR-E  | PCW                                    |
|--|--|--|---|---|--|--|--|
|  | Respondent   | Lucite Internation   | nal, Inc.   |   |  | Po   | olicy Revision 2 (September 2002)      |
|  | Case ID No.  | 34982  |   |   |  |  | PCW Revision November 6, 2007          |
| Rea. Ent. R  | eference No.                                       | RN102736089  |   |   |  |  |  |
| _  | edia [Statute]                                     |  |   |   |  |  |  |
|  |  | Kimberly Morale  | ,c  |   |  |  |  |
|  | olation Number                                     |  | ,0  |   |  |  |  |
| . •••  |  |  | Code & 116 1  | 15(c) Air Perr  | mit No. 1743, Special  | Condition 1 and Te   | 2884                                   |
|  | Rule Cite(s)                                       | 30 Tex. Admin.   |   |   | Code § 382.085(b)  | Condition 1 and 1e   |  |
| Violat   | ion Description                                    | Acetonitrile, 74 Volatile Organic Ibs of Hydrogous released for the control of th | .27 lbs of Acro<br>Compounds<br>en Cyanide ("I<br>rom the vapor<br>ntenance active<br>ince these em | vlonitrile, 36.59<br>("VOCs"), 5,0<br>HCN"), and 27,<br>combustor (El<br>ities on the Th<br>hissions were a | ns. Specifically, 387.8<br>blbs of Sulfur Dioxide<br>49 lbs of Carbon Moi<br>,184.11 lbs of Nitroge<br>PN: ACR-VC51) durin<br>ermal Oxidizer Unit (<br>avoidable, the demon<br>ent affirmative defens  | e ("SO2"), 428.07 lbs<br>noxide ("CO"), 1,112<br>on Oxide ("NOx") we<br>ng 554.50 hours of<br>"TOU") which begar<br>strations in Tex. Ad | s of<br>2.24<br>ere<br>n on            |
|  |  |  |   |   |  | Base Pen   | nalty \$10,000                         |
| en konstruit is Tombris (1885) and Construit in State (1885) and Construit in State (1885) and Construit in St   | e Sårekill fastnar prissioner.                     |  |   |   |  |  |  |
| >> Environment   | al, Property a                                     | ind Human H  |   | <b>C</b> aratana ka   |  |  |  |
|  | Release  | Major I  | <b>Harm</b><br>Moderate   | Minor   |  |  |  |
| OR   | Actual   |  | X   | 1411101   |  |  |  |
| <b>.</b>   | Potential  |  |   |   | Percent  | 50%  |  |
|  | r otoriua.   | <u> </u>   |   |   |  |  |  |
| >>Programmation  | . Matrix   |  |   |   |  |  |  |
| -, 10g/willing   | Falsification                                      | Major I  | Moderate  | Minor   | S. Carles Control of the Control of  |  |  |
|  |  |  |   |   | Percent  | 0%   |  |
|  |  | 1  |   |   |  |  |  |
|  | Human hea  | alth or the enviro   | nment has be  | en exposed to   | significant amounts o  | of poliutants which d  | ot                                     |
| Matrix   | exceed le  | vels that are pro  | tective of hum  | an health or e  | nvironmental recepto   | rs as a result of the  | ,                                      |
| Notes  |  | ·  |   | violation.  |  |  |  |
|  |  |  | <u> </u>  |   |  |  | · ·                                    |
|  |  |  |   |   | Adjustmen  | t \$5,   | ,000                                   |
| , All Carlotte (1993), is a commission of the co |  |  |   |   |  |  |  |
|  |  |  |   |   |  |  | \$5,000                                |
|  |  | 2535000000000557770000   |   |   |  |  |  |
| Violation Events   | <b>)</b>   |  |   |   |  |  |  |
|  | Number of Vio                                      | lation Events  | 1   |   | 24 Number o  | of violation days  | •                                      |
|  | Nulliber of vic                                    | DIALION LVENUS   |   | L   | Z  | i violation days   |  |
|  |  | daily  |   |   |  | •  |  |
|  | •  | monthly  | Х   |   |  |  | •                                      |
|  | mark only one                                      | quarterly  |   |   | 1  | /iolation Base Pen   | nalty \$5,000                          |
|  | with an x  | semiannual   |   |   |  |  |  |
|  |  | annual   |   |   |  |  |  |
|  |  | single event   | 10.00   |   |  |  |  |
| •  |  |  |   |   |  |  |  |
|  |  |  | - 300   |   |  |  | •                                      |
|  |  |  | One month   | ly event is rec   | ommended.  |  |  |
|  |  |  |   |   |  |  |  |
| Economic Bene  | fit (FB) for th                                    | is violation   |   |   | Statuto  | ry Limit Test  |  |
| Economic Delle   | the late of the special friends are a set of the t |  |   |   | and a substitute of the substi |  |  |
|  | Estimated  | d EB Amount  | · · · · · · · · · · · · · · · · · · ·   | \$277   | violati  | on Final Penalty T   | otal \$6,700                           |
|  |  |  | Th  | is violation Fi   | nal Assessed Penal   | ty (adjusted for lim   | nits) \$6,700                          |
| THE WORLD STREET   |  |  |   |   |  |  | STOCK CONTRACTOR CONTRACTOR CONTRACTOR |

|   | L-                    | conomic                                    | Benefit W   | orks  | sheet  |  |  |
|---|-----------------------|--|---|---|--|--|--|
| Respondent  | Lucite Internati      | onal Inc.                                  | Ÿ   |   |  | and the second second                                |  |
| Case ID No.   |                       |  |   |   |  |  |  |
| Reg. Ent. Reference No.   |                       |  |   |   |  |  | •  |
| Media   |                       |  |   |   |  |  | Years of   |
|   |                       |  |   |   |  | Percent Interest                                     | Depreciation   |
| Violation No.   | 5                     | and the state of                           | e de la companya de |   |  |  |  |
|   |                       |  |   |   |  | 5.0  | 15   |
|   | Item Cost             | Date Required                              | Final Date  | Yrs   | Interest Saved                                       | Onetime Costs  | EB Amount  |
| Item Description  | No commas or \$       |  |   | 45  |  |  |  |
| Delayed Costs   |                       |  |   |   | in signate is  |  |  |
| Equipment   |                       |  |   | 0.0   | \$0  | \$0  | \$0  |
| Buildings   |                       |  |   | 0,0   | \$0  | \$0  | \$0  |
| Other (as needed)   |                       |  |   | 0.0   | \$0  | \$0  | \$0  |
| Engineering/construction  |                       |  |   | 0.0   | \$0  | \$0  | \$0  |
| Land  |                       |  |   | 0.0   | \$0  | in/a   | \$0  |
| Record Keeping System   |                       |  |   | 0,0   | \$0  | n/a  | \$0  |
| Training/Sampling   |                       |  |   | 0.0   | \$0  | n/a  | \$0  |
| Remediation/Disposal  |                       |  |   | 0.0   | \$0  | n/a  | \$0  |
| Permit Costs  |                       |  |   | 0.0   | \$0  | n/a  | \$0  |
| Other (as needed)   | \$5,400               | 24-Jul-2006                                | 2-Aug-2007  | 1.0   | \$277  | in/a   | \$277  |
| Notes for DELAYED costs   | which caused<br>the e | long term scale der<br>emissions event beg | posits on the air pr<br>gan and the final d   | eheater                                       | and screening tub                                    | e section. Date requ                                 | ired is the date   |
| Avoided Costs   | ΔNN                   |  |   |   |  |  | ented.   |
| Avoided Costs   | ANN                   |  |   | ntering                                       | item (except for                                     | one-time avoided c                                   | osts)  |
| Disposal  | ANN                   |  |   | ntering<br>0.0                                | item (except for                                     | one-time avoided c                                   | osts)<br>\$0   |
| Disposal<br>Personnel   | ANN                   |  |   | ntering<br>0.0<br>0.0                         | item (except for                                     | one-time avoided c                                   | osts)  |
| Disposal<br>Personnel<br>Inspection/Reporting/Sampling  | ANN                   |  |   | ntering<br>0.0                                | item (except for a \$0 \$0                           | \$0<br>\$0   | osts) \$0 \$0  |
| Disposal<br>Personnel<br>Inspection/Reporting/Sampling<br>Supplies/equipment  | ANN                   |  |   | 0.0<br>0.0<br>0.0                             | item (except for a \$0 \$0 \$0                       | so<br>\$0<br>\$0<br>\$0<br>\$0                       | osts)<br>\$0<br>\$0<br>\$0                                   |
| Disposal<br>Personnel<br>Inspection/Reporting/Sampling<br>Supplies/equipment<br>Financial Assurance [2]                               | ANN                   |  |   | 0.0<br>0.0<br>0.0<br>0.0                      | \$0<br>\$0<br>\$0<br>\$0<br>\$0                      | \$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0               | sots) \$0 \$0 \$0 \$0 \$0 \$0                                |
| Disposal<br>Personnel<br>Inspection/Reporting/Sampling<br>Supplies/equipment  | ANN                   |  |   | 0.0<br>0.0<br>0.0<br>0.0<br>0.0<br>0.0        | \$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0        | \$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0        | sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0                            |
| Disposal<br>Personnel<br>Inspection/Reporting/Sampling<br>Supplies/equipment<br>Financial Assurance [2]<br>ONE-TIME avoided costs [3] | ANN                   |  |   | 0.0<br>0.0<br>0.0<br>0.0<br>0.0<br>0.0<br>0.0 | \$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0 | \$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0 | sented.  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Disposal<br>Personnel<br>Inspection/Reporting/Sampling<br>Supplies/equipment<br>Financial Assurance [2]<br>ONE-TIME avoided costs [3] | ANN                   |  |   | 0.0<br>0.0<br>0.0<br>0.0<br>0.0<br>0.0<br>0.0 | \$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0 | \$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0 | sots)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0   |

# **Compliance History**

| Customer/Respondent/Owner-Operator:  | CN601448764  | Lucite International, Inc.                         | Classification: AVERAGE          | Rating: 4.00               |
|--|--|--|----------------------------------|----------------------------|
| Regulated Entity:  | RN102736089  | LUCITE BEAUMONT SITE                               | Classification: AVERAGE          | Site Rating: 3.39          |
| ID Number(s):  | AIR NEW SOURCE                                     | PERMITS  | PERMIT<br>PERMIT                 | 19005<br>19004             |
|  | AIR NEW SOURCE                                     | PERMITS  | PERMIT PERMIT ACCOUNT NUMBER     | 19003<br>29568<br>JE0425E  |
|  | AIR NEW SOURCE<br>AIR NEW SOURCE<br>AIR NEW SOURCE | PERMITS  | PERMIT<br>AFS NUM                | 53554<br>4824500136        |
|  | AIR NEW SOURCE<br>AIR NEW SOURCE                   | PERMITS  | EPA ID PERMIT                    | PSDTX753<br>1743           |
|  | AIR NEW SOURCE                                     | PERMITS  | PERMIT PERMIT REGISTRATION       | 2796A<br>318<br>79737      |
|  | AIR NEW SOURCE<br>AIR NEW SOURCE<br>AIR NEW SOURCE | PERMITS  | REGISTRATION REGISTRATION        | 80291<br>81499             |
|  | AIR NEW SOURCE                                     | PERMITS  | REGISTRATION<br>PERMIT           | 81877<br>1437              |
|  | AIR OPERATING P                                    | PERMITS  | ACCOUNT NUMBER PERMIT            | JE0425E<br>1959            |
|  | AIR OPERATING P<br>INDUSTRIAL AND<br>GENERATION    | PERMITS<br>HAZARDOUS WASTE                         | PERMIT<br>EPA ID                 | 1960 TXD988088761          |
|  |  | HAZARDOUS WASTE                                    | SOLID WASTE REGISTRATION # (SWR) | 81282                      |
|  | PUBLIC WATER S'<br>UNDERGROUND I                   | YSTEM/SUPPLY<br>NJECTION CONTROL                   | REGISTRATION<br>PERMIT           | 1230066<br>WDW100          |
|  | UNDERGROUND I                                      | NJECTION CONTROL NJECTION CONTROL NJECTION CONTROL | PERMIT PERMIT PERMIT             | WDW101<br>WDW389<br>WDW390 |
| Location:  |  | HWY, NEDERLAND, TX, 77627                          |                                  |                            |
| TCEQ Region:   | REGION 10 - BEAU                                   | MONT   |                                  |                            |
| Date Compliance History Prepared:  | December 04, 2007                                  |  |                                  |                            |
| Agency Decision Requiring Compliance History:  | Enforcement  |  |                                  |                            |
| Compliance Period:   |  | to December 04, 2007                               |                                  |                            |
| TCEQ Staff Member to Contact for Additional Inform  Name: Daniel Siringi                                   | nation Regarding this C                            |  |                                  |                            |
|  | Site Co  | ompliance History Compon                           | ents                             |                            |
| 1. Has the site been in existence and/or operation fo  | or the full five year com                          | pliance period?                                    | Yes                              |                            |
| 2. Has there been a (known) change in ownership o  | f the site during the cor                          | mpliance period?                                   | No                               |                            |
| <ul><li>3. If Yes, who is the current owner?</li><li>4. if Yes, who was/were the prior owner(s)?</li></ul> |  |  | N/A                              |                            |
| 5. When did the change(s) in ownership occur?  |  |  | N/A                              | •                          |
| Components (Multimedia) for the Site:  |  |  |                                  | -                          |
| A. Final Enforcement Orders, court judgem  | ents, and consent decr                             | ees of the state of Texas and the                  | e federal government.            |                            |
| Effective Date: 12/15/2005 Classification: Minor   | ,  | ADMINORDER 2005-0310                               |                                  |                            |

Classification:

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly notify the regional office of a reportable emissions event within 24 hours

from the discovery of the event which occurred on September 12, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 19003, Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the allowable emission limit at EPN 357 during an

emissions event which occurred on September 12, 2004 and lasted 9 hours and 51 minutes. ADMINORDER 2006-2104-AIR-E

Effective Date: 06/29/2007

Classification: Minor Citation:

30 TAC Chapter 101, SubChapter F 101,201(a)(1)(A)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to report the initial report as soon as practical, but not later than 24 hours after the

discovery of an emissions event (Incidents #74015, 74928 and #75556).

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

FOP 0-01437, Special Condition 12 PERMIT

NSR - 19003 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

В. Any criminal convictions of the state of Texas and the federal government.

N/A

Chronic excessive emissions events. C.

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

> (27587)1 04/04/2003 2 02/11/2004 (258840)3 06/14/2004 (274802)4 07/30/2004 (284838)5 10/20/2004 (292104)6 11/23/2004 (338187)(343751) 7 01/31/2005 8 05/31/2005 (393525)9 06/17/2005 (392967) 10 11/10/2005 (435904)11 12/21/2005 (440007)(450132)12 01/04/2006 13 02/21/2006 (454858)

> (454749)14 02/23/2006 15 02/27/2006 (457064)16 02/28/2006 (457230)

> 17 02/28/2006 (457587)(457291) 18 02/28/2006

19 02/28/2006 (457248) (461173)

20 04/11/2006 04/21/2006 (461908)21

(460716) 04/26/2006 22

23 05/11/2006 (464040)24 11/01/2006 (511600)

25 11/27/2006 (465011)12/19/2006 (519732)26

12/20/2006 (515191) 27

28 04/26/2007 (554316) (542915)29 04/27/2007

07/06/2007 (553815)

31 07/16/2007 (567527)

(566920)32 07/23/2007

33 07/31/2007 (562729)

(569972) 08/29/2007 34

35 08/29/2007 (562598)

36 08/30/2007 (571807)

37 09/26/2007 (573162)

38 10/04/2007 (571825)

(596951)39 11/08/2007

11/08/2007 (596423)40

(600604)41 11/16/2007

(597501) 42 11/28/2007

43 11/29/2007 (566137) Date: 11/23/2004

(338187)

Self Report? Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:

PERMIT 19005/PSD-TX-753, SC 13D PERMIT 19005/PSD-TX-753, SC 3

Description:

Failure to maintain records of H2SO4 acid produced on a daily basis.

Self Report?

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

Citation:

PERMIT 19005/PSD-TX-753, SC 13D PERMIT 19005/PSD-TX-753, SC 4

Description:

Failure to maintain records of nitrogen oxide emissions at the H2SO4 unit main

stack on a three-hour average.

Self Report?

NO

Classification: Minor

Citation: Ramt Prov: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

PERMIT 19005/PSD-TX-753, SC 13D

PERMIT 19005/PSD-TX-753, SC 5 Failure to maintain records of nitrogen oxide emissions from the No. 1 and No. 2 Description:

Preheaters

Self Report?

Classification:

Classification:

Classification:

Minor

Minor

Minor

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

PERMIT 19005/PSD-TX-753, SC 13B

Description:

PERMIT 19005/PSD-TX-753, SC 13D Failure to span the nitrogen oxide CEMS at the North Preheater Stack on a daily

Date: 08/29/2007

Self Report? NO Classification:

Classification:

Minor

Citation:

30 TAC Chapter 335, SubChapter A 335.13(k) Failure to submit an exception report as required.

Description: Self Report?

Citation: Description: 30 TAC Chapter 335, SubChapter Q 335.474 Failure to prepare a five-year pollution prevention plan and update the plan as

necessary.

basis.

(562598)

Self Report?

NO

Classification:

Minor

Moderate

Citation:

30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.37

40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(d) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(e)

Description: Failure to update the facility's contingency plan.

Date: 10/04/2007

(571825)

Classification:

Self Report? Citation:

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

OP O-01959, Special Condition 1A

Description:

Failure to maintain or keep accurate records concerning Ammonia Flare

observations.

Self Report?

NO

Classification:

Moderate

Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:

Description:

PERMIT 318, Special Condition 5

OP O-01959, General Terms and Conditions

OP O-01959, Special Condition 8

Failure to conduct Audio, Visual, and Olfactory (AVO) checks for NH3 leaks within

Lucite's operating area once per 12 hr shift.

Self Report? NO Classification:

Moderate

Citation:

Rqmt Prov:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b) PERMIT 2796A, Special Condition 8A

OP O-01959, General Terms and Conditions

OP O-01959, Special Condition 8

Description:

Failure to prevent Boiler 7 (B7) from exceeding the Nitrogen Oxides (NOx)

emissions standard of 30 parts per million (ppm) on a rolling hourly average when firing at a rate of 76.25 Million British Thermal Units (MMBTU/hr). Classification: NO Self Report? 30 TAC Chapter 116, SubChapter B 116.115(c) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) Rgmt Prov: PERMIT 2796A, Special Condition 8A OP O-01959, General Terms and Conditions OP O-01959, Special Condition 8 Failure to prevent B7 from exceeding the Carbon Monoxide (CO) emissions Description: standard of 100 ppm on a rolling hourly average when firing at a rate of 76.25 MMBtu/hr. Classification: Moderate NO Self Report? 30 TAC Chapter 101, SubChapter A 101.20(1) Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(w) 5C THC Chapter 382, SubChapter A 382.085(b) Rqmt Prov: PERMIT 2796A, Special Condition 1 OP O-01959, General Terms and Conditions OP O-01959, Special Condition 1A OP O-01959, Special Condition 8 Failure to submit a Semi-annual New Source Performance Standard (NSPS) Description: report concerning B7 in a timely manner. Date: 11/08/2007 (596951) Classification: Moderate Self Report? NO 30 TAC Chapter 101, SubChapter A 101.20(1) Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart A 60.7(c) 5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01960 General Terms and Conditions Ramt Prov: OP FOP O-01960, Special Condition 19 OP FOP O-01960, Special Condition 8 PERMIT NSR Permit 1743, Special Condition 15B PERMIT NSR Permit 1743, Special Condition 2 Failure to submit quarterly CEMS Summary Reports for the units ACR/TOU51 and Description: ACR/INC60 in a timely manner. Self Report? Classification: Moderate 30 TAC Chapter 116, SubChapter B 116.115(c) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01960 General Terms and Conditions Rqmt Prov: OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 12 Failure to maintain the operating parameter temperature of the thermal oxidizer Description: Classification: Moderate Self Report? NO 30 TAC Chapter 116, SubChapter B 116.115(c) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01960 General Terms and Conditions Ramt Prov: OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 10 Failure to maintain the water flow to scrubber ACR/ABS219. Description: Classification: Moderate Self Report? 30 TAC Chapter 116, SubChapter B 116.115(c) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01960 General Terms and Conditions

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 8B

Failure to maintain the operating parameter Oxygen concentration of Incinerator

Failure to maintain the operating parameter temperature of Vapor Combustor

Classification:

Classification:

Moderate

Moderate

OP FOP 0-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 12

ACR/INC60.

ACR/VC51.

NO

NO

Ramt Prov:

Description:

Self Report?

Rqmt Prov:

Description:

Self Report?

Citation:

30 TAC Chapter 113, SubChapter C 113.130 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3) OP FOP O-01960 General Terms and Conditions Ramt Prov: OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 2 Failure to perform weekly AVO inspections of the light liquid pumps in the Description: Reaction Fugitives Area, Purification Fugitives Area, Recovery Fugitives Area, and the HCN Synthesis Fugitives Area. Classification: Moderate Self Report? 30 TAC Chapter 122, SubChapter B 122.143(4) Citation: 5C THC Chapter 382, SubChapter D 382.085(b) Ramt Prov: OP FOP O-01960 General Terms and Conditions OP FOP 0-01960, Special Condition 3,A,iv,1 Failure to perform quarterly visible emission observations of the Startup Air Heater Description: and the Catalyst Filter discharge. Classification: Moderate NO Self Report? 30 TAC Chapter 122, SubChapter B 122.143(4) Citation: 5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01960 General Terms and Conditions Rqmt Prov: OP FOP 0-01960 Special Condition 18 Failure to perform weekly visible emission inspections of the Incinerator, Thermal Description: Oxidizer, and the Vapor Combustor. Classification: Moderate Self Report? NO Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) OP FOP O-01960 General Terms and Conditions Rgmt Prov: OP FOP O-01960, Special Condition 20 Failure to submit the PI-7 form for the PBR authorization of the Ammonia Blow Description: down Operation within ten days. Classification: Moderate Self Report? NO 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) Rqmt Prov: OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 1A Failure to perform daily observations of Flares ACR/FL57 and ACR/PRC58. Description: Classification: Moderate NO Self Report? 30 TAC Chapter 116, SubChapter B 116.115(c) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382,085(b) Ramt Prov: OP FOP O-01960 General Terms and Conditions OP FOP 0-01960, Special Condition 19 PERMIT NSR Permit 318, Special Condition 5A Description: Failure to perform semi-daily Audio, Visual and Olfactory (AVO) inspections of the AMM/FDKAMB operating area. Classification: Moderate Self Report? 30 TAC Chapter 116, SubChapter B 116.116(a)(1) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP FOP 0-01960 General Terms and Conditions Rqmt Prov: OP FOP O-01960, Special Condition 19 Failure to comply with the representations of the application for NSR Permit 1743. Description: Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) Ramt Prov: OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 1 Failure to maintain emission rates below the allowable emission limits. Description: Date: 11/28/2007 (597556)Classification: Moderate Self Report?

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Moderate

5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01437 General Terms and Conditions Rgmt Prov:

OP FOP O-01437, Special Condition 1A

Failure to perform daily observations of Flare ACH/CBFLR. Description: Self Report? Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart H 60.82(a) 5C THC Chapter 382, SubChapter D 382.085(b) Ramt Prov. OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19005, Special Condition 2 PERMIT NSR Permit 19005, Special Condition 4 Failure to limit the SO2 emission rate from exceeding 4 pounds (lbs) of SO2 per Description: ton of 100 % H2SO4. Classification: Moderate Self Report? 30 TAC Chapter 101, SubChapter A 101.20(1) Citation: 30 TAC Chapter 115, SubChapter D 115.354(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2) 5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01437 General Terms and Conditions Ramt Prov: OP FOP 0-01437, Special Condition 12 OP FOP 0-01437, Special Condition 1A PERMIT NSR Permit 19003, Special Condition 1E PERMIT NSR Permit 19003, Special Condition 5 PERMIT NSR Permit 19004, Special Condition 2 PERMIT NSR Permit 19004, Special Condition 5E Failure to perform weekly AVO inspections of the pumps and flanges in the Description: Acetone Cyanohydrin Unit Process Fugitives Area and the Methyl Methacrylate Production Unit Fugitives Area. Self Report? NO Classification: Moderate 30 TAC Chapter 101, SubChapter A 101.20(1) Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f) 40 CFR Part 60, Subpart A 60.18(f)(2) 5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01437 General Terms and Conditions Rqmt Prov: OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19004, Special Condition 2 PERMIT NSR Permit 19004, Special Condition 3 Failure to record the presence of a pilot flame for Flare ACH/CBFLR. Description: Classification: Moderate Self Report? NO 30 TAC Chapter 101, SubChapter A 101.20(1) Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii) 40 CFR Part 60, Subpart A 60.18(f)(2) 40 CFR Part 60, Subpart NNN 60.665(f) 5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01437 General Terms and Conditions Ramt Prov: OP FOP O-01437, Special Condition 12 OP FOP 0-01437, Special Condition 1A PERMIT NSR Permit 19003 Special Condition 5 & 6 PERMIT NSR Permit 19003, Special Condition 4 PERMIT NSR Permit 19003, Special Condition 7 Failure to record the presence of a pilot flame for Flare MMA/DKFL. Description: Classification: Moderate Self Report? NO 30 TAC Chapter 101, SubChapter A 101.20(1) Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a) 5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01437 General Terms and Conditions Ramt Prov: OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19005, Special Condition 13B PERMIT NSR Permit 19005, Special Condition 2 Failure to correctly perform the First and Second Quarter 2006 CGAs for the Description: SAR/SARSTK. Classification: NO Moderate Self Report? 30 TAC Chapter 101, SubChapter A 101.20(1) Citation:

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Ramt Prov:

OP FOP O-01437 General Terms and Conditions

OP FOP 0-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A

PERMIT NSR Permit 19003, Special Condition 1F PERMIT NSR Permit 19003, Special Condition 5

Description:

Citation:

Failure to monitor all accessible valves.

Self Report?

30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov:

OP FOP O-01437 General Terms and Conditions PERMIT NSR Permit 19005, Special Condition 13 PERMIT NSR Permit 19005, Special Condition 2

Description:

Failure to continuously measure and record the in-stack concentration of Nitrogen

Classification:

Classification:

Moderate

Moderate

Oxides (NOx) and SO2 from the SAR-SARSTK.

Self Report? Citation:

NO 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:

OP FOP O-01437 General Terms and Conditions

OP FOP O-01437, Special Condition 1A

Description:

Failure to record the exhaust gas temperature of the SAR Furnaces.

Environmental audits.

Type of environmental management systems (EMSs). G.

N/A

Voluntary on-site compliance assessment dates. Η.

Participation in a voluntary pollution reduction program.

N/A

Early compliance.

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



| IN THE MATTER OF AN         | § | BEFORE THE            |
|-----------------------------|---|-----------------------|
| ENFORCEMENT ACTION          | § |                       |
| CONCERNING                  | § | TEXAS COMMISSION ON   |
| LUCITE INTERNATIONAL, INC.; | § |                       |
| RN102736089                 | § | ENVIRONMENTAL QUALITY |

# AGREED ORDER DOCKET NO. 2007-1876-AIR-E

# I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lucite International, Inc. ("Lucite") under the authority of TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the TCEQ. The Executive Director of the TCEQ, through the Litigation Division, and Lucite, represented by Jennifer Keane of the law firm Baker Botts LLP, appear before the Commission and together stipulate that:

- 1. Lucite owns and operates an industrial organic chemical plant at 6350 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Commission and Lucite agree that the Commission has jurisdiction to enter this Agreed Order, and that Lucite is subject to the Commission's jurisdiction.
- 4. Lucite received notice of the violations alleged in Section II ("Allegations") on or about July 11, 2007, November 13, 2007, and December 3, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Lucite of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of fifty thousand two hundred fifty dollars (\$50,250.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Lucite paid twenty five thousand one hundred twenty-five (\$25,125.00) of the administrative penalty. Pursuant to Tex. Water Code § 7.067, twenty five thousand one hundred twenty five dollars (\$25,125.00) shall be conditionally offset by the Lucite's completion of a Supplemental Environmental Project, as defined in Attachment A, incorporated herein by reference. Lucite's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Lucite agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that on August 2, 2007, Lucite provided documentation that changes were made to the water softener system including the cycling time, began monitoring the system on an increased frequency, the air pre-heater vibration dampeners were repaired, silica deposits were cleaned from the boiler and the Thermal Oxidizer Unit ("TOU") water treatment program is being monitored to ensure no further occurrence of the deposits.
- 10. The Executive Director recognizes that Lucite implemented the following corrective measures at the Plant by September 28, 2007:
  - a. Established set points and alarms on incinerator ACR/NC60 and vapor combustor ACR/VC51 in order to ensure proper temperature control. Also, provided training and posted instructional signs for personnel overseeing the two units;
  - b. Installed automated control valves to better control water distribution to the scrubbers and implemented a computer based reminder notification system when low water flow excursions occur. Training was also provided to plant operations and maintenance personnel; and
  - c. Completed the cleaning and screening of the catalyst at the Spent Acid Recovery ("SAR") unit converter to allow the Oxygen ("O2") to Sulfur Dioxide ("SO2") ratio mix to maintain the high pressure drop.
- 11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Lucite has not complied with one or more of the terms or conditions in this Agreed Order.

Lucite International, Inc. Docket No. 2007-1876-AIR-E Page 3 of 6

- 12. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

# II. ALLEGATIONS

As owner and operator of the Plant, Lucite is alleged to have violated:

- 30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), 40 CODE 1. OF FEDERAL REGULATIONS ("CFR") § 63.120(d)(5), Federal Operating Permit ("FOP") No. O-01960, General Terms and Conditions ("GTC"), and Special Conditions ("SC") 1A, 1E, 4, and 19, New Source Review ("NSR") Air Permit No. 1743, SC 2 and 10 and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain the required water flow to scrubbers ACR/ABS156, ACR/ABS61, ACR/ABS159, and ACR/ABS218, as documented during a record review conducted September 10, 2007. Specifically, the water flow to scubber ACR/ABS156 fell below the required operating parameter of 9,026 pounds per hour ("lbs/hr") from January 16, 2006, through March 25, 2006, for 30 hours, April 19, 2006, through October 8, 2006, for 55 hours, and October 14, 2006, through March 29, 2007, for 23 hours; scrubber ACR/ABS61 fell below the required 2,440 lbs/hr from January 19, 2006, through April 2, 2006, for 45 hours, May 5, 2006, through October 3, 2006, for 358 hours, and October 13, 2006, through March 29, 2007, for 639 hours; scrubber ACR/ABS159 fell below the required 1,302 lbs/hr from December 8, 2005, through December 12, 2005, for 86 hours, and on November 11, 2006, for 9 hours; and scubber ACR/ABS218 fell below the required 2,000 lbs/hr from August 11, 2006, through August 19, 2006, for 122 hours, and October 13, 2006, through October 23, 2006, for 128 hours.
- 2. 30 Tex. Admin. Code §§ 113.120, 116.115(c), and 122.143(4), 40 CFR § 63.120(d)(5), FOP No. O-01960 GTC, SC 1A, 1E, and 19, NSR Air Permit No. 1743, SC 2 and 12, and Tex. Health & Safety Code § 382.085(b), by failing to maintain the daily average temperature of incinerator ACR/INC60 above the established minimum limit, as documented during a record review conducted September 10, 2007. Specifically, the incinerator's daily average temperature fell below the required operating parameter of 965 degrees Celsius on January 19 through January 31, 2006, July 6 through 8, 2006, and October 13, 2006, through April 10, 2007.
- 3. 30 Tex. Admin. Code §§ 113.120, 116.115(c), and 122.143(4), 40 CFR § 63.120(d)(5), FOP No. O-01960, GTC, SC 1A, IE, and 19, NSR Air Permit No. 1743, SC 2, and 12, and Tex. Health & Safety Code § 382.085(b) by failing to maintain the daily average temperature of vapor combustor ACR/VC51 above the established minimum limit, as documented during a record review conducted September 10, 2007. Specifically, the

Lucite International, Inc. Docket No. 2007-1876-AIR-E Page 4 of 6

vapor combustor's daily average temperature from April 20, 2006, through August 19, 2006, was below the recommended 774 degrees Celsius for 1,462 hours.

- 4. 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-01437, GTC, SC 12, NSR Air Permit No. 19005/PSD-TX-753, SC 1 and Tex. Health & Safety Code § 382.085(b) by failing to maintain emission rates below the allowable emission limits for Sulfur Dioxide ("SO2"), as documented during a record review conducted October 8, 2007. Specifically, on July 3, 2006, for a period of four hours, the Spent Acid Recovery ("SAR") Unit Converter emitted unauthorized emissions of approximately 105.56 pounds ("Ibs") of S02 to the atmosphere.
- 5. 30 Tex. Admin. Code § 116.115(c), Air Permit No. 1743, SC 1, and Tex. Health & Safety Code § 382.085(b) by failing to prevent unauthorized emissions, as documented by an inspection conducted May 15 through May 29, 2007. Specifically, 387.82 lbs of Acetonitrile and 74.27 lbs of Acrylonitrile, 36.59 lbs of SO2, 428.07 lbs of volatile organic compounds ("VOCs"), 5,049 lbs of Carbon Monoxide ("CO"), 1,112.24 lbs of Hydrogen Cyenide ("HCN"), and 27,184.11 lbs of Nitrogen Oxide ("NOx") were released from the vapor combustor (EPN: ACR-VC51) during 554.50 hours of unplanned maintenance activities on the Thermal Oxidizer Unit ("TOU"), which began on July 24, 2006. Since these emissions were avoidable, the demonstrations in Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

# III. DENIALS

Lucite generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

- 1. It is, therefore, ordered by the TCEQ that Lucite pay an administrative penalty as set forth in Section I, Paragraph Six above. The payment of this administrative penalty and Lucite's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here.
- 2. Lucite shall implement and complete a SEP in accordance with Tex. Water Code § 7.067 and as set forth in Section I, Paragraph 6, above. Twenty-five thousand one hundred twenty-five dollars (\$25,125.00) of the assessed administrative penalty shall be offset with the condition that Lucite implement the SEP pursuant to the terms of the SEP as defined in Attachment A, incorporated herein by reference. Lucite's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. Administrative penalty payments for any portion of the administrative penalty not offset by a Supplemental Environmental Project or for any portion of the Supplemental

Lucite International, Inc.
Docket No. 2007-1876-AIR-E
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Environmental Project deemed by the Executive Director as not complete shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Lucite International, Inc., Docket No. 2007-1876-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 4. The provisions of this Agreed Order shall apply to and be binding upon Lucite. Lucite is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against Lucite in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to Lucite, or three days after the date on which the Commission mails notice of the Order to Lucite, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Lucite International, Inc.

# SIGNATURE PAGE

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

| For the Commission  |
|---|
| For the Executive Director Date  Date   |
| I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.   |
| <ul> <li>I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in: <ul> <li>A negative impact on compliance history;</li> <li>Greater scrutiny of any permit applications submitted;</li> <li>Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;</li> <li>Increased penalties in any future enforcement actions;</li> <li>Automatic referral to the Attorney General's Office of any future enforcement actions; and</li> <li>TCEQ seeking other relief as authorized by law.</li> </ul> </li> <li>In addition, any falsification of any compliance documents may result in criminal prosecution.</li> </ul> |
| Signature \frac{12/19/08}{Date}   |
| Name (Printed or typed) Authorized Representative of  |

# Attachment A Docket Number: 2007-1876-AIR-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

Lucite International, Inc.

Penalty Amount:

Fifty thousand two hundred fifty dollars (\$50,250)

SEP Offset Amount:

Twenty-five thousand one hundred twenty-five dollars (\$25,125)

Type of SEP:

Pre-approved

Third-Party Recipient:

Jefferson County – Retrofit/Replace Heavy Equipment and Vehicles with Alternative-Fueled Equipment and Vehicles

Location of SEP:

**Jefferson County** 

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

# 1. Project Description

# A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Jefferson County's** Retrofit/Replace Heavy Equipment and Vehicles with Alternative-Fueled Equipment and Vehicles program in Jefferson County as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for the incremental cost of purchase of alternative-fueled equipment such as propane or electric powered lawn mowers, propane-powered light duty and heavy equipment, and alternative fueled vehicles, and retirement of diesel and gasoline powered equipment and vehicles. The retired vehicles and equipment will not be resold as working vehicles, but will only be sold for scrap. The County will also use SEP monies to convert current equipment and vehicles to alternative fueled equipment and vehicles and to retrofit current gasoline and diesel powered equipment in order to lower emissions. All retrofits will meet EPA standards. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

### B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasolineand diesel-powered lawnmowers, heavy equipment, and other vehicles in the Beaumont/Port Arthur ozone non-attainment area. Such emissions contribute to ozone pollution in this state.

# C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

#### 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the final Agreed Order with the contribution to:

Jefferson County Government
Attention: The Honorable Ron Walker, Jefferson County Judge
Retrofit Vehicles SEP
1149 Pearl Street 4th Floor
Beaumont, Texas 77701

# 3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

# 4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Lucite International, Inc.

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# 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEO. Such statements include advertising, public relations, and press releases.

# 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

# 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.